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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,897	03/21/2001	Paul Anthony Osborn	00074.00004	1166
22907	7590	04/08/2004	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			CAO, CHUN	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 04/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/812,897

Applicant(s)

OSBORN, PAUL ANTHONY

Examiner

Chun Cao

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2001 and 26 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 7, 9 and 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the apparatus" in line 3; "the received signal" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the time interval" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitations "the apparatus" in lines 2, 4, 5; "the means for switching" in lines 4, 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitations "the power supply" in line 1; "the apparatus" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

Art Unit: 2115

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 8 and 13-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (Smith), US Patent no. 5,167,024 in view of Ewing et al. (Ewing), US Patent no. 5,949,974.

As per claim 1, Smith discloses a power management system for electrical and electronic apparatus having a number of components which may be switched to a low power state [fig. 1], comprising a power controller [11, fig. 1] coupled to each component in the electronic apparatus and a plurality of modules, each associated with a component, wherein each module [modem 25, fig. 1; col. 8, lines 30-36, emphasis added "monitor the detection of a ring signal from modem 25...the ring signal is detected by PMGR 11", inherently, modem 25 has a module to generate a ring signal based on an incoming signal is detected] is coupled to the power controller for each component its associated component makes use of, and sends signals to that power controller indicating whether or not its associated component wishes to make use of the component coupled to that power controller [col. 8, lines 21-36], and the power controller switches its component to a low or high power state in dependence on a received signals [col. 8, lines 10-16].

Smith does not explicitly disclose a plurality of power modules.

Art Unit: 2115

Ewing discloses a plurality of power modules [30-36, fig. 1] connected to a power controller [28, fig. 1; col. 5, lines 40-42; col. 6, lines 1-9].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Smith and Ewing because they both disclose a power management system, and the specify teachings of Ewing stated above would improve the functionality of Smith's system by using the power modules to control status of the power.

As to claims 2, 13 and 17, Smith discloses that a power controller switches its component to a low power state if none of the signals from power modules indicate that other components require its component [col. 7, lines 50-54; col. 8, lines 10-16].

As per claim 3, Smith discloses of switching to a low power state by a power controller takes place after a predetermined delay and a re-examination of the status of the signals from the power modules [col. 7, lines 50-54].

As to claims 4, 14 and 18, Smith discloses of monitoring of input signals by the power controller takes place after switching to a low power state, and the component is switched to a high power state if one of the input signals from the power modules indicates that another component wishes to make use of it [col. 8, lines 21-36].

As to claims 5, 15 and 19, Smith discloses a system timer [wake up timer] to schedule predetermined switches between low and high power states [col. 8, lines 21-36].

Art Unit: 2115

As per claim 6, Smith disclosed that the system timer only causes a component to switch to a low power state in the absence of any contradictory signals from power modules [col. 6, lines 24-37].

As to claims 8, 16 and 20, Smith discloses that at least one power controller is provided integrally with a power module wherein that power controller can receive signals from other power modules and the power module can send out signals to other power controllers [I/O controller 19a, fig. 1] indicating whether its associated component wishes to make use of any other components [col. 8, lines 20-25].

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 9-12 rejected under 35 U.S.C. 102(b) as being anticipated by Smith (Smith), US Patent no. 5,167,024.

As per claim 9, Smith discloses A power controller for managing the power supplied to an article of electrical or electronic apparatus comprising means for causing the electronic apparatus to switch between a low power and a high power state, means for receiving signals from other components which wish to communicate with the electronic apparatus, means for monitoring the status of these signals, wherein means for switching the electronic apparatus between the low power and the high power state

Art Unit: 2115

does so in dependence on the received signals [col. 7, lines 48-54; col. 8, lines 10-16, 21-36].

As per claim 10, Smith teaches the claimed system. Therefore, Smith teaches the claimed method of steps to carry out the system.

As per claim 11, Smith discloses the apparatus is switched to the low power state when the received signals indicate that no components wish to communicate with it [col. 7, lines 48-54].

As per claim 12, Smith discloses the apparatus is part of a network [fig. 1; col. 4, lines 16-30].

Allowable Subject Matter

8. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rotstein et al., US patent no. 6,289,228, teaches of reducing power consumption of a radio communication system according to paging activity of the radio communication system [abstract all, col. 7, lines 5-34; fig. 3].

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2115

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao at (703) 308-6106. The examiner can normally be reached on Monday-Friday from 7:30 am - 4:00 pm. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor Thomas Lee can be reached at (703) 305-9717. The fax number for this Art Unit is following: Official (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Chun Cao

Apr. 2, 2004